

Framingham Planning Board

Memorial Building • Room 205 • 150 Concord Street

Framingham, MA 01702-8373

(508) 532-5450 • planning.board@framinghamma.gov



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TOWN CLERK
FRAMINGHAM

Town Clerk Stamp

Planning Board Members

Christine Long, Chair

Lewis Colten, Vice Chair

Victor Ortiz, Clerk

Thomas F. Mahoney

Stephanie Mercandetti

Planning Board Staff:

Amanda L. Loomis, AICP, Planning Board Administrator

Raphaella Morais-Peroba, Community Outreach Coordinator

TOWN OF FRAMINGHAM - PLANNING BOARD

Notice of Decision

Regarding Decision of the Framingham Planning Board on the Application of Mill Creek Residential Trust for the Property Located at 266 Waverly Street Decision dated August 4, 2016

On June 28, 2016, Mill Creek Residential Trust filed with the Planning Board and on June 28, 2016, the Planning Board filed with the Town Clerk, the Applications for Major Site Plan Review, a Special Permit for Use (Multi-family Residential), a Special Permit for Land Disturbance, and a Public Way Access Permit to raze the existing two buildings and to construct a new 270-unit multi-family building, with landscaping, off-street parking, open space, stormwater management, and associated site improvements. The property is located at 266 Waverly Street, zoned as Central Business (CB) District, and Framingham Assessor's Parcel ID of 128-06-2160-000.

After the notice of the public hearing was published in "MetroWest Daily News" on June 30, 2016 and July 7, 2016 and mailed to parties of interest pursuant to the Framingham Zoning By-Law and M.G.L. c. 40A, the Planning Board opened the public hearing on July 14, 2016 at 7:00 pm in the Ablondi Room, Memorial Building, Framingham. A continued public hearing was held on August 4, 2016.

On August 4, 2016 the Planning Board **APPROVED** the Project with conditions for Major Site Plan Review, a Special Permit for Use (Multi-family Residential), a Special Permit for Land Disturbance, and a Public Way Access Permit for the property located at 266 Waverly Street. The **DECISION** was filed in the office of the Town Clerk on August 5, 2016.

Christine Long, Chair
FRAMINGHAM PLANNING BOARD

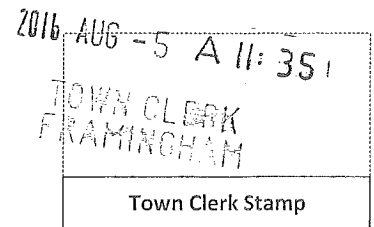
Any appeal from the Decision shall be made pursuant to M.G.L. c. 40A, Section 17 and must be filed within twenty days after the date of filing of the Decision in the office of the Town Clerk.

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TOWN OF FRAMINGHAM - PLANNING BOARD

Notice of Decision

**Regarding Decision of the Framingham Planning Board
on the Application of Mill Creek Residential Trust
for the Property Located at 266 Waverly Street
Decision dated August 4, 2016**

Notice is hereby given in accordance with M.G.L. c. 40A, Section 15 that the application of Mill Creek Residential Trust for Major Site Plan Review, a Special Permit for Use (Multi-family Residential), a Special Permit for Land Disturbance, and a Public Way Access Permit for the property located at 266 Waverly Street. The Project was APPROVED with conditions by the Planning Board on August 4, 2016 and the DECISION was filed in the Office of the Town Clerk on August 5, 2016. The opening public hearing was held on July 14, 2016 notice of the opening public hearing was published in "MetroWest Daily News" on June 30, 2016 and July 7, 2016. A continued public hearing was held on August 4, 2016.

For additional information please see the Planning Board's webpage at www.framinghamma.gov.

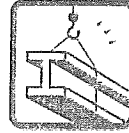
Christine Long, Chair

FRAMINGHAM PLANNING BOARD

Any appeal from the Decision shall be made pursuant to M.G.L. c. 40A, Section 17 and must be filed within twenty days after the date of filing of the Decision in the office of the Town Clerk.

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Planning Board Members:

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Thomas F. Mahoney
Stephanie Mercandetti

**DECISION OF THE FRAMINGHAM PLANNING BOARD
ON THE APPLICATION OF MILL CREEK RESIDENTIAL TRUST
FOR THE PROPERTY LOCATED AT 266 WAVERLY STREET
DECISION DATED AUGUST 4, 2016**

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FRAMINGHAM

General Property Information

Project Number: PB-021-16
Property Address: 266 Waverly Street
Assessor's Information: 128-06-2160-000
Zoning District: Central Business (CB) District

Application Information

Application(s): Major Site Plan Review, Special Permit Land Disturbance, Special Permit for Use (Multi-family), Public Way Access Permit

Sections of the Framingham Zoning By-Law under review: Major Site Plan Review (Section VI.F.c.2), Special Permit for Land Disturbance (Section V.F), Special Permit for Use (Section II.B.), Central Business (CB) District (Section II.I), Off-street Parking (Section IV.B), Dimensional Regulations (IV.E), Inclusionary Housing (Section V.H), and Special Permit (Section VI.E)

Sections of the Framingham General By-Laws under Review: Public Way Access Permit (Article VI, Section 8)

Date application(s) were filed with the Planning Board: June 28, 2016

Date application(s) were filed with the Town Clerk: June 28, 2016

General Project Contact Information

Applicant Name: Mill Creek Residential Trust
Applicant Address: 200 Wheeler Road, Burlington, MA 01803, ATTM: Robb Hewitt
Landowner Name: Pilavin Realty LLC
Project Contact Name: Attorney Timothy Sullivan, Goulston & Storrs
Engineer Company: Nitsch Engineering

Legal Ad & Public Hearing Information

MetroWest Daily News Run dates of the Legal Ad: (14 days prior) June 30, 2016 and (7 days prior) July 7, 2016

Date of abutter/7 Abutting municipalities/parties of interest mailing: June 28, 2016

Date of opening public hearing: July 14, 2016

Date(s) of continued public hearings: August 4, 2016

Applicant's Representatives in attendance at the Public Hearing(s): Robb Hewitt - Senior Managing Director of Mill Creek Residential Trust; Lars Unhjem - Vice President of Development at Mill Creek Residential; Nancy Jane Ludwig - ICON Architecture; and Giles Ham - Vanasse & Associates; Mike Nowicki - Stantec; Jared Gentilucci - Nitsch; and Attorney Tim Sullivan - Goulston.

Planning Board members in attendance at the public hearing(s): Christine Long, Chair; Lewis Colten, Vice-Chair; Victor Ortiz, Clerk; Thomas Mahoney; and Stephanie Mercandetti (absent on July 14, 2016 - the Mullin Rule was filed with the Town Clerk on July 27, 2016)

TECHNICAL REVIEW TEAM MEETING

On July 7, 2016, the Technical Review Team (TRT) reviewed the project at 266 Waverly Street. Minutes from the TRT Meeting can be found in the electronic and hard file for the Project.

Technical Review Team Members Present: Kimberly Burlingame, Assistant Conservation Commission Administrator; Mark Dempsey, ISD Access, Building Department; Frey Bray, Assistant Building Commissioner, Department of Inspectional Services; Officer Keith Strange, Police Department; Marianne Iarossi, Community & Economic Planning & Development – Senior Planner; Michael Correa, Assistant Town Assessor; Amanda Loomis, Planning Board Administrator; Joseph A. Mazzola, Fire Department; Eric Johnson, Department of Public Works, Town Engineer; and Arthur Robert, Director of the Department of Community & Economic Development.

Present for the Applicant: Robb Hewitt - Senior Managing Director of Mill Creek Residential Trust; Nancy Jane Ludwig - ICON Architecture; Matt Marobba, ICON Architecture; Jared Gentilucci - Nitsch; Tim Sullivan - Goulston and Giles Ham – Vanasse & Associates.

PLANNING BOARD APPROVAL INFORMATION

Date of Plan reviewed and approved by the Planning Board: June 21, 2016, revised through July 12, 2016

PROJECT DESCRIPTION

The Project at 266 Waverly Street, presented by Mill Creek Residential Development consists of a 270-unit multi-family six story residential apartment building with associated parking, utilities, central common green/open space area, landscaping, bicycle parking, and associated site improvements.

The Project is located in the Central Business (CB) Zoning District that recently was rezoned through town-wide collaborative efforts (October 2015 – Fall Special Town Meeting) to encourage a Transit Oriented Development (TOD). The Project at 266 Waverly Street will be the first project permitted under the new CB District Zoning.

HEARING

The Framingham Planning Board held a total of two public hearings (July 14 and August 4) during the review of the Project located at 266 Waverly Street. Framingham Planning Board Members present during the public hearings held for the Project were Christine Long, Chair; Lewis Colten, Vice-Chair; Victor Ortiz, Clerk; Thomas Mahoney; and Stephanie Mercandetti (absent on July 14, 2016 – the Mullin Rule was filed with the Town Clerk on July 27, 2016).

During the course of the public hearings, the following individuals appeared on behalf of the Applicant: Robb Hewitt - Senior Managing Director of Mill Creek Residential Trust, Lars Unhjem - Vice President of Development at Mill Creek Residential, Nancy Jane Ludwig - ICON Architecture, Mike Nowicki – Stantec, Jared Gentilucci – Nitsch, and Giles Ham – Vanasse & Associates.

Summary of Public Hearing Meetings:

The Mill Creek Residential Project Team presented a PowerPoint presentation that included a review of the site plans, the Traffic Report findings, the Architectural renderings, the stormwater management plans, the landscape plans, and other site improvements associated with the Project.

Planning Board member comments made include the following:

- **Lewis Colten, Vice-Chair** - Mr. Colten requested clarification on the entrance to the garage. Mr. Colten suggested a different type of lighting, stating that LED is a harsh type of lighting.
- **Thomas Mahoney** - Mr. Mahoney expressed concern with the traffic in the area, and therefore requested additional information to confirm the accuracy of the traffic report/studies submitted by the Applicant.
- **Victor Ortiz, Clerk** - Mr. Ortiz requested clarification on the location of the entrance of the garage. Mr. Ortiz requested additional information relative to the Affordable Housing Units.
- **Christine Long, Chair** - Ms. Long concurred with Mr. Mahoney's concerns and requested additional traffic counts as well. Ms. Long requested a breakdown in the number of residential units, specifically the number of 1, 2 and 3 bedroom units.

During the course of the public hearing process, the Planning Board took under advisement all information received from members of the public who provided input during the review of the Project. The Planning Board arrived at this Decision based on the Framingham Zoning By-Law, Framingham General By-Laws, information submitted by the Applicant, comments from Town boards and officials, and members of the public. Findings made from the application and public hearing process resulted in the development of the conditions contained within this Decision.

FINDINGS

Having reviewed the application, plans, and reports filed by the Applicant and its representatives; having considered the correspondence from the Department of Public Works, the Conservation Commission, the Planning Board, the Department of Inspectional Services (Building Department), Community & Economic Development Department, the Fire Department, and the Police Department within the Town of Framingham; and having considered testimony from members of the public, and having viewed the site, the Planning Board determines that the Application complies with all applicable provisions of the Framingham Zoning By-Law, including the requirements of Sections II.B, IV.B, IV.E, V.F, V.H, VI.E, VI.F of the Framingham Zoning By-Law; and Article VI, Section 8 of the Framingham General By-Laws pertaining to Public Way Access Permits. Specifically, the Planning Board makes the following findings:

1. Special Permit for Use (Section II.B) and Special Permit (Section VI.E)

- 1.1 The Town of Framingham underwent an extensive rezoning of the Central Business (CB) District in the Fall of 2015. These efforts included the expansion of the CB District boundaries and new regulations. Projects within the CB District are intended to be pedestrian and bicycle friendly, in addition to promoting the use of public transportation.
- 1.2 The proposed use is an allowed use within the CB District. Multifamily residential contributes to a livable, urban, downtown environment. The Site is appropriate for multifamily residential use.

- 1.3 The Project provides adequate and appropriate facilities, which include off-street parking, open space/common area, handicap accessibility, bicycle parking, landscaping, and a new stormwater management system.
- 1.4 The property will contain a total of 358 off-street parking spaces in a two-level garage and 51 off-street parking spaces within a surface lot located to the east of the building. Therefore, there will be a total 409 off-street parking spaces, which is consistent with the requirements set forth in Section II.I Central Business District Zoning.
- 1.5 The Project as designed is not intended to create hazards to abutters, vehicles, and/or pedestrians.
- 1.6 The Project will be serviced by municipal services which are capable of supporting a project of this scale.
 - 1.6.1 Any stormwater that cannot be managed on-site will be discharged into the municipal service system.
 - 1.6.2 The Project will be connected to an existing 20" sanitary sewer main, and the municipal sewer system has the capacity to accept flow from the Project.
- 1.7 The Project proposes to reconstruct the sidewalks along the property frontage of Waverly Street, Blandin Ave, and Marble Street, which is consistent with the intent to create a walkable environment.
- 1.8 The Applicant is strongly encouraged to work with local and regional transit authorities to promote alternative modes of transportation to ensure that the Project builds upon the Town's efforts to foster and create a Transit Oriented Development (TOD) style environment.
- 2. Central Business (CB) District (Section II.I)**
 - 2.1 Building Scale: The building has been designed to clearly delineate the base, middle, and top through color, materials, windows, and other architectural features.
 - 2.2 Facades: The building has been broken down into segments with the use of different architectural features and windows, thereby eliminating any blank wall surfaces. Furthermore, the building includes the use of balconies and architectural details, while incorporating the use of bays into the design.
 - 2.3 Windows: Section II.I.c requires façades along Waverly Street to contain more than 60 percent windows and 40 percent windows along secondary streets. The building has been designed to both fulfill and ultimately exceed these requirements. Furthermore, the windows on the upper floors are smaller than the windows on the first floor, thus providing visual interest, while being consistent with the intent of the Zoning By-Law.
 - 2.4 Entrances (Building): The entrances of the building have been designed as to not extend beyond the exterior façade into pedestrian pathways/sidewalks. Moreover, the entrances have been designed to create visual interest and encourage a pedestrian type environment.
 - 2.5 Entrances (Garage Entrances): A parking garage for off-street parking has been designed so that the entrance and exit are located on the east side of the building away from building entrances and sidewalks.
 - 2.6 Parking: Off-street parking is located underneath and to the side of the building, which is consistent with the requirements set forth in Section II.I.4.e Parking.
 - 2.7 External Materials: The building has been designed to incorporate both brick and pre-cast concrete, but also includes the use of wood siding and metals to create visual interest.

- 2.8 Roof Form: The roof has been designed to complement adjacent buildings and remain consistent with the CB District roof lines. The building incorporates the use of cornices and height break differences to visually diminish the scale of the building. Furthermore, all rooftop equipment will be screened and soundproofed.
- 2.9 Service Areas, Utilities, and Mechanical Equipment: Mechanical equipment has been designed to blend into the building. Trash enclosures are located within the parking deck and all fences will be black non-chain link style fencing.
- 2.10 Sidewalks: The Project incorporates sidewalks along the public ways and within the property boundaries. The Applicant has provided large street trees along the frontages of the building within the landscape plan to help create a pedestrian type environment. Furthermore, the project is well landscaped and provides a mixture of trees and shrubs that complement the building.

3. Special Permit Land Disturbance (Section V.F)

3.1 Site Management and Control

- 3.1.1 The property is predominately impervious area, containing two existing buildings and associated off-street parking.
- 3.1.2 During construction activities the Applicant shall take measures to limit the disturbance of the site. Therefore, the Applicant will designate suitable locations for the parking of construction vehicles, trailers, and the stockpiling of equipment and materials.
- 3.1.3 The Applicant proposes to install temporary erosion and sedimentation control measures in accordance with the approved plan incorporating the use of BMPs. The Applicant shall ensure that the disturbed areas are stabilized and checked on a daily basis.
- 3.1.4 The Applicant agrees to employ dust control techniques throughout the entire construction phase of the Project.
- 3.1.5 All waste products, grubbed stumps, slash, construction materials, etc. shall be lawfully disposed of and shall not be incorporated into the redeveloped Project site.
- 3.1.6 Construction of the project is expected to take between 18-24 months.

3.2 Control of Stormwater Runoff

- 3.2.1 The stormwater drainage system for the Project shall be built in accordance with the Massachusetts Department of Environmental Protection Stormwater Policy and Massachusetts Stormwater Management Handbook regarding water quality and flood control using Best Management Practices as the standard of performance.
- 3.2.2 All stormwater and erosion control management shall be checked prior to the start and finish of each work day.
- 3.2.3 The Applicant shall check all stormwater features prior to and at the end of each construction day. In the event of a multiple day storm event, the project manager shall check on the stormwater features to ensure that they are functioning properly and have not exceeded their capacity. Any repairs or adjustments or deficiencies shall be made immediately.
- 3.2.4 The Applicant shall provide appropriate erosion control methods such as silt fences and straw wattles around the stock piles in case of a storm event, in addition to the temporary dust control requirements.
- 3.2.5 The Applicant shall provide straw wattles and other erosion control methods at the base of the driveway during off-construction hours in order to prevent runoff and erosion onto the adjoining public ways.

3.2.5 Stormwater from the Project is expected to produce a lesser volume and peak rate than the existing conditions.

3.2.6 The Project is not expected to produce adverse effects on adjacent/abutting properties.

3.3 Protection of Natural Features and Vegetation

3.3.1 The property is predominately impervious due to being previously cleared for prior uses, containing only trees and landscaping within the off-street parking islands and front setbacks.

3.3.2 The Applicant has provided an extensive landscaping plan that complies with the Zoning By-Law.

3.4 Protection of Historic Resources

3.4.1 The property does not contain any historic buildings and/or resources.

4. Affordable Housing (Section V.H)

4.1 Pursuant to Section V.H.3 of the Framingham Zoning By-Law, the project shall provide a minimum of 10 percent of the units as affordable since the project contains more than ten dwelling units on one or more contiguous parcels, as required pursuant to M.G.L. c. 40A, Section 9, whether or not such units are proposed under a special permit process. Therefore, the Applicant shall provide a total of 27 Affordable Housing Units (AHU), such units shall be evenly distributed throughout the Project.

4.2 The Applicant shall abide by the regulations set forth in Section V.H of the Framingham Zoning By-Law for the purposes of procedure, recording, and marketing the AHUs.

4.3 The Applicant shall provide the Planning Board with a copy of the State's Local Initiative Program (LIP) application package and a site plan showing the locations of the AHU.

5. Major Site Plan Review (Section VI.F)

5.1 Retain Community Character

5.1.1 The Project has been designed to comply with the requirements of the Zoning By-law and the Central Business (CB) District Design Guidelines.

5.1.2 The existing buildings within the area are typically one-story, vehicle dependent style of development.

5.1.3 The building adheres to the standards relative to building scale, facades, windows, entrances, parking, materials, etc. Although the Project will be much larger than the surrounding buildings in terms of height and scale, it is expected that the recent changes in the CB District Zoning will attract similar large scale developments. Therefore, the Project through its exceptional site layout and design which includes upscale, modern architectural design, and vast landscape improvements, sets a new standard for future high quality development within the CB District.

5.2 Traffic, Parking, and Public Access

5.2.1 The Project is expected to generate 1,672 new vehicle trips during the weekday (836 entering and 836 existing). There will be approximately 129 new vehicle trips (25 entering and 104 exiting) during the weekday morning peak hours and 158 new vehicle trips (103 entering and 55 existing) during the weekday evening peak hours of the trips generated by the Project.

5.2.2 The Project is not expected to have any significant impacts and/or increases on the Level of Services (LOS) over the existing and/or anticipated future conditions.

5.2.3 The Traffic Report states that "the project will generate less traffic during the weekday evening peak hours and on a daily basis, in comparison to if the project site were to be re-tenanted with retail business."

5.2.4 The Applicant has prepared a transportation improvement program to provide safe and efficient access to the Project site. These improvements include the following:

- STOP-signs placed at the exits of the property at Blandin Avenue and Waverly Street.
- Wheelchair ramps at the access points on Blandin Avenue and Waverly Street.
- All signs and pavement markings to be installed within the Project site shall conform to the applicable standards of the *Manual on Uniform Traffic Control Devices* (MUTCD).
- Signs and landscaping shall be installed along the Project site driveways. Sidewalks shall be designed and maintained so as not to restrict lines of sight and/or create obstructions within areas designed for pedestrian use.

5.2.5 The Applicant is in discussions with the Department of Public Works (DPW) and the Town regarding a possible easement on the property along Marble Street. The Applicant has designed the Project to accommodate such easement for possible future widening of Marble Street.

5.2.6 The Applicant intends to take advantage of the public transportation opportunities found within the area that includes both the commuter rail and the bus services along Waverly Street, Blandin Avenue, and the nearby MetroWest Regional Transportation Authorities (MWTRA) new location on Blandin Avenue.

5.2.7 The Applicant has prepared a summary of Transportation Demand Management (TDM) measures that it will be implementing as part of the Project, which includes the following:

- Information regarding public transportation services, maps, schedules and fares will be posted in a central location;
- A packet will be provided to new residents of the Project detailing available public transportation services, bicycle, and walking alternatives;
- Pedestrian accommodations will be incorporated within the Project site; and
- Secure bicycle parking will be provided, including both an exterior bicycle rack and weather protected bicycles parking in a secure area.

5.2.8 The Applicant is required to provide a total of 340 off-street parking spaces in accordance with Section II. I.4.a.)1. Off-street Parking Requirements – Residential Parking Requirements. The Project has been designed to include 409 off-street parking spaces, of which 11 are handicap accessible.

5.2.9 The parking lot has been designed to accommodate off-street parking areas that are in compliance with the Zoning By-Law. The off-street surface parking lot will be constructed with off-street parking spaces and drive aisles with the dimensions shown on the Endorsed Site Plans. The parking garage will be constructed with off-street parking spaces and drive aisles with the dimensions shown on the Endorsed Site Plans.

5.3 Environmental Impact

5.3.1 The Project is not expected to create any significant emission of noise, dust, fumes, noxious gases, radiation, water pollutants, or any other similar significant adverse environmental impact.

5.3.2 The Applicant has applied for a Special Permit for Land Disturbance pursuant to Section V.F of the Framingham Zoning By-Law. The Project as designed does not increase the potential for erosion flooding, and/or sedimentation, either on-site or onto abutting properties.

5.3.3 The Applicant has provided a Long-Term Pollution Plan and a Long-Term Operation and Maintenance Plan, which have been developed to establish site management practices that improve the quality of stormwater discharges from the Project.

5.3.4 The Project has been designed to include stormwater Best Management Practices (BMP), in addition to deep sump catch basins and drain manholes.

5.4 Health

5.4.1 The Project does not pose adverse air-quality, noise, glare, and/or odors.

5.4.2 The Project does not intend to create a hazard to abutters, vehicles, and/or pedestrians.

5.4.3 The Applicant shall to dispose of any hazardous materials, and/or transmissions in an appropriate manner.

5.5 Public Services and Utilities

5.5.1 The Project will be serviced by municipal water and sewer.

5.5.2 The Project will be connected to the existing 20" sanitary sewer main. It is anticipated that the sewer system has the capacity to accept flow from the Project without burdening the system.

5.5.3 Stormwater that is not managed on-site will be discharged into the municipal system.

5.6 Land Use Planning

5.6.1 The Project as designed is consistent with the Master Land Use Plan, the requirements set forth in the Zoning By-Law, and the Central Business (CB) Design Guidelines.

5.6.2 The Applicant complies with the Town's efforts and goals of building a connected community by contributing site features consistent with developing a walkable neighborhood.

6. Public Way Access Permit (Article VI, Section 8)

6.1 The Project proposes to modify the existing access to the site from the public way. Such modifications include the closure of four out of the six existing public access points.

6.2 The site will be accessible from the east side of the building on Waverly Street and the southeast of the property on Blandin Avenue.

6.3 The curb cut on Blandin Avenue is approximately 24' in width, with two-way traffic entering and exiting.

6.4 The curb cut on Waverly Street is approximately 24' in width, with two-way traffic entering and existing.

6.5 The locations of the off-street parking spaces and the garages are located as not to cause back-up onto Waverly Street and/or Blandin Avenue.

6.6 The Project provides sufficient improvements to facilitate a safe and efficient circulation to and within the site. Therefore, it is not expected that these modifications and/or closures will create an unsafe condition that would endanger the public health and safety.

6.7 The Applicant shall provide handicap accessible ramps with rumble warning strips at the access drives.

CONDITIONS OF APPROVAL

The Planning Board finds that the Application and Plans submitted by the Applicant comply with all applicable provisions of the Town's By-Laws relevant to this review. Accordingly, the Planning Board votes are pursuant to relevant provisions of the Town's Zoning By-Law and General By-Laws that include the following: Major Site Plan Review (Section VI.F), Special Permit for Land Disturbance

(Section V.F), Special Permit for Use - Multi-Family Residential (Section II.B), Central Business (CB) District (Section II.I), Off-street Parking (Section IV.B), Dimensional Regulations (Section IV.E), Inclusionary Housing (Section V.H), and Special Permit (Section VI.E) pursuant to the Framingham Zoning By-Laws; and pursuant to relevant provisions of the Town's General By-Laws that include the following: Public Way Access Permit (Article VI, Section 8). Said approval from the Planning Board is subject to the following conditions:

General Provisions

1. Prior to the commencement of construction, the Applicant and the general contractor shall meet with Planning Board Administrator, Building Commissioner, and the Town Engineer to review this approval.
2. Prior to the commencement of construction, the Planning Board Office shall be given 48 hour written notice. If activity on the Property ceases for longer than 30 days, 48 hour written notice shall be given to the Planning Board Office prior to restarting work.
3. Prior to the commencement of construction, the Applicant shall provide to the Planning Board Office the name, address and emergency contact telephone number of the individual or individuals who shall be responsible for all activities on site and who can be reached 24 hours a day, seven days a week.
4. A copy of this Decision shall be kept on the Property.
5. Prior to the issuance of any building permit, an electronic copy of the final Planning Board Endorsed Site Plans (as the same may be modified in accordance with this decision, the "Endorsed Site Plans"), shall be provided to the Planning Board Office for distribution to Town Departments. In the event of a discrepancy between the Decision and the Endorsed Site Plan, the Endorsed Site Plan shall take precedence.
6. Corrections and minor additions, substitutions, alterations, or any other minor changes, including, without limitation, changes to the unit mix and layout, to the Endorsed Site Plan or the supporting documents approved and endorsed by the Planning Board are permitted upon the written approval of the Planning Board's Administrator. No material corrections, additions, substitutions, alterations, or any other material changes shall be made to the Endorsed Site Plan or the supporting documents approved and endorsed by the Planning Board without the written approval of the Planning Board. Any request for a material modification of this approval shall be made in writing to the Planning Board for review and approval by the Planning Board or the Planning Board's Administrator and shall include a description of the proposed modification, reasons the modification is necessary, and any supporting documentation.
7. Following notice to the project manager for the Project, members or agents of the Planning Board shall have the right to enter the Site and to gather all information, measurements, photographs or other materials needed to ensure compliance with this approval. Members or agents of the Planning Board entering onto the Site for these purposes shall comply with all safety rules, regulations and directives of the Applicant and the Applicant's contractors.
8. The Applicant shall record this Decision with exhibit(s) at the Middlesex South Registry of Deeds prior to the issuance of a building permit, after the required appeal period has lapsed in accordance with MGL, Chapter 40A, Section 17. The Applicant will submit proof of recording to the Planning Board.

9. This approval for Major Site Plan Review, a Special Permit for Land Disturbance, a Special Permit for Use – Multi-family Residential, and Public Way Access Permit shall lapse two years from the date that the Decision is recorded at the Middlesex South Registry of Deeds, not including such time required to pursue or await the determination of an appeal from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause as determined by the Planning Board.
10. Prior to the issuance of the building permit, the Applicant shall provide all documents and information requested by the Planning Board or Planning Board Administrator demonstrating that the Applicant has complied with, or will comply with, all conditions of this approval.

Infrastructure/Site Design/Landscaping

11. Prior to the issuance of a final use and occupancy permit, the Applicant shall either substantially complete the landscaping improvements shown on the approved landscaping plan or post a performance guarantee in accordance with this decision. All on-site landscaped buffer areas shall be maintained in good condition in perpetuity so as to present a healthy and neat appearance. The Applicant shall follow regularly scheduled routine maintenance. The Applicant shall submit a landscape maintenance plan to the Planning Board Administrator for approval and implementation upon approval.
12. The Applicant shall provide regular maintenance of all facilities. The Applicant shall maintain all on-site drainage in working condition at its own expense, which shall include inspecting the catch basins twice annually (spring and fall) and cleaning, if necessary, to remove sediment.
13. Parking pavement markings shall be in white. Fire zone and traffic markings shall be as per the applicable code.
14. Any dumpster or dumpster enclosure, as shown on the Endorsed Site Plans shall remain closed and locked except when trash deposit, removal and pickup operations are being conducted.
15. The Applicant shall maintain the landscaping in perpetuity to ensure that lines of sight are not blocked on Waverly Street, Blandin Avenue, and Marble Street. Furthermore, the Applicant shall ensure that all installed signs are free of visual impediments.
16. The Applicant shall construct all improvements in compliance with all applicable state and federal regulations with respect to the design of any architectural access features required under the Americans with Disabilities Act (ADA) and with 521 CMR Architectural Access Board Rules and Regulations, subject, in each case, to any waiver or other similar relief the Applicant may obtain.

Site Construction

17. The Applicant shall perform daily cleanup of construction debris, including soil, on Town streets within 200 yards from the entrance of the site driveways, caused by the site construction.
18. Outside construction hours are to be between 7:00 AM and 5:30 PM Monday through Friday and 8:00 AM and 4:00 PM on Saturday. Absent emergency conditions, no construction is permitted on Sunday or holidays. No equipment on-site shall be started and allowed to warm up prior the start of the allowed construction hours.
19. Any work within the public right of way shall be required to have a police detail during the duration of said work for the purpose of public safety.
20. In the event of blasting during the construction phase, the Developer's Blasting Operator shall provide no less than ten days' advance notice of the commencement of blasting operations by

certified mail to those property owners entitled to a pre-blast inspection pursuant to Massachusetts Comprehensive Fire Code: 527 CMR 1.00 et seq.

- a. Copies of said mailing shall be furnished to the Planning Board and the Framingham Fire Department.
 - b. Copies of the blasting monitoring reports, noting any vibrations in excess of that allowable by regulation, shall be mailed to the above-referenced property owners, Planning Board and the Framingham Fire Department at the termination of blasting operations.
 - c. The Blasting Operator shall provide notice to the Planning Board and the Framingham Fire Department of any reported damage to real property.
21. The Developer's Blasting Operator shall post a Blasting Notice Sign in a conspicuous location along the roadway to inform the public of the proposed blasting for the property. Applicant shall notify all abutting residents of such blasting and/or compacting event at the time said notice is posted in a conspicuous location.
22. Said Blasting Notice Sign shall be posted at least ten days prior to any blasting on-site and abutters notified by mail within 500' of the property. The Developer's Blasting Operator shall encourage the abutting properties within 500' of the property boundaries to have their homes inspected prior to the commencement of blasting. Such reports shall be provided to the Developer's Blasting Operator prior to the commencement of blasting.
23. The Applicant shall protect any vegetation, which shall remain post-construction with temporary protective fencing or other measures, prior to the start of construction.

Environment

24. The stormwater drainage system for the Project shall be in accordance with the Massachusetts Department of Environmental Protection Stormwater Policy relating to water quality and flood control using Best Management Practices as the standard of performance.
25. All stormwater and erosion control management shall be checked prior to the start and finish of each work day.
26. The Applicant shall check all stormwater features prior to and at the end of each construction day. A multiple day storm event occurs, the project manager shall check on the stormwater features to ensure they are functioning properly and have not exceeded their capacity. Any repairs or adjustments or deficiencies shall be made promptly.
27. The Applicant shall provide appropriate erosion control methods such as silt fences and straw wattles around the stock piles in case of a storm event, in addition to the temporary dust control requirements.
28. The Applicant shall provide straw wattles and other erosion control methods at the base of the driveway during off-construction hours to prevent runoff and erosion from flooding onto abutting public ways.

Snow Storage/Sidewalk/Walkway

29. Snow storage shall not obstruct sight lines so as to preserve public safety.
30. Snow storage shall be on-site in the snow storage areas designated on the Endorsed Site Plans. In addition, the Applicant must remove excess snow from the site as may be deemed necessary within forty-eight hours after the snow fall ends, in the interest of public safety.

31. Bicycle racks and sidewalk amenities shall be installed in locations which shall not restrict or limit movements for all users throughout the site.
32. The Applicant shall reconstruct the sidewalks along the property boundaries of Waverly Street, Blandin Ave, and Marble Street, all as more particularly shown on the Endorsed Site Plans.
33. Sidewalks throughout the site shall be constructed to be accessible by all pedestrian users.
34. The Applicant shall provide handicap accessible ramps with rumble warning strips at the access drives.
35. The sidewalks and walkways shall be kept clear of snow, and all other impediments and/or litter throughout the year. In the event of snow, the sidewalks and walkways shall be cleared within 48 hours of a snow event. Snow shall not be stored on or impede access/use of sidewalks and walkways.
36. The Applicant agrees to maintain any plantings or physical landscape features at a height of two feet or less above the adjacent roadway grade where such plantings are located within the driveway sight lines.

Inclusionary Housing

37. The Applicant shall provide a total of 27 Affordable Housing Units (AHU) pursuant to Section V.H of the Framingham Zoning By-Law.
38. Prior to the issuance of a building permit, the Applicant shall provide a site plan that depicts the location of the AHUs.

Framingham Department Review

39. Applicant shall comply, in all material respects, with all directives requested in the correspondence from the Department of Public Works dated August 3, 2016, subject to the following modifications:
 - a. Regarding Item # 1 under the Roadway section, the Board has determined that the applicant will not be responsible for reconstructing the connection of Marble Street from its current end to Blandin Avenue and upgrade sidewalks as appropriate (the "Marble Street Improvements"); provided, however, in the event the Town does not receive grant funding for the Marble Street Improvements after requesting and diligently pursuing such funding from the Commonwealth or other sources, the Applicant shall provide the Town with a contribution in the amount of \$50,000 for the implementation of the Marble Street Improvements, which shall be undertaken by the Town. Modification to the foregoing contribution, if any, which is mutually agreed to by the Department of Public Works and the Applicant, is permitted upon the written approval of the Planning Board Administrator.
 - b. Regarding Item # 1 under the Stormwater Drainage section, in lieu of complying with the final sentence the Applicant shall, prior to issuance of the building permit, provide the Planning Board Administrator with results of additional investigations and an updated drainage design, as appropriate.
 - c. Regarding Item # 2 under the Fees section, the Board acknowledges that the Applicant may comply with the I&I fee obligation by paying a reduced amount as may be determined by the Board of Selectmen in consideration of the Applicant providing the easement described within Item # 1 under the Roadway section.

40. The Applicant shall comply, in all material respects, with all directives requested in the correspondence from the Fire Department dated July 11, 2016

Special Provisions/Periodic Conformance Reporting and Review

41. The Applicant shall provide the following performance guarantees for the Project.
- a. Prior to the issuance of any final use and occupancy permit, the Applicant shall post a performance guarantee satisfactory to the Planning Board for all exterior facing landscaping improvements, which are incomplete or not constructed, in an amount not to exceed the cost of such improvements.
 - b. Upon completion of the project and prior to the request for a final use and occupancy permit, the Applicant shall provide the Planning Board with "As Built Landscape Plans" which shall be reviewed by the Planning Board Administrator for certification that the landscaping has been planted substantially in accordance with the approved Landscape Plan.
 - c. The Applicant shall provide to the Town of Framingham a Landscape Maintenance Bond in the sum of 20 percent of the total landscape cost to replace any trees which are improperly pruned or dead trees, shrubs or lawn areas, as shown on the approved Landscape Plan, which shall be posted for a period of two years commencing with the completion of the landscaping and certification of the Landscape Plan, as required above.
42. Prior to the issuance of a final use and occupancy permit, the Applicant shall submit an as-built plan stamped by a Professional Engineer registered in the Commonwealth of Massachusetts certifying that all improvements are completed in accordance with the Endorsed Site Plans (in all materials respects) in a form acceptable to the Town of Framingham, Department of Public Works, Engineering & Transportation Division (DPW). The as-built plan shall be submitted in both hard copy and electronic formats (PDF and AutoCAD). The AutoCAD file must conform to the current form of the Mass GIS Standard for Digital Plan Submission to Municipalities or other standard requested by the Town of Framingham DPW. The plan shall include but shall not be limited to site utility improvements and tie-in dimensions to all pipes and connection points. The as-built information shall be delivered to DPW no less than 5 business days in advance of the Applicant seeking a final certificate of occupancy sign-off to allow time for DPW review and approval of submitted information. The Applicant shall also submit a statement certifying that all conditions of approval of this decision have been met in all material respects and site improvements are complete.
43. The Applicant shall join the MetroWest Transportation Management Association.
44. The Applicant shall make reasonable efforts to provide two off-street parking spaces for a car share program. The Applicant agrees that the inclusion of a car share opportunity will further enhance the Town's goals of transit oriented development while further easing existing parking demands within the Central Business (CB) District.
45. The Applicant agrees to work with the local and regional transportation system to provide alternative public transportation options within the area. Such options may include, the placement of a bus stop, a bicycle share program, etc.

46. All signs and pavement markings to be installed within the Project site shall conform to the applicable standards of the *Manual on Uniform Traffic Control Devices* (MUTCD).

VOTES

The Planning Board voted five in favor, zero opposed, and zero in abstention to grant a Public Way Access Permit for the Mill Creek Residential Trust application for the property located at 266 Waverly Street, zoned Central Business (CB) District.

Public Way Access Permit (Article VI, Section 8)

Christine Long.....yes

Lewis Colten.....yes

Victor Ortiz.....yes

Thomas Mahoney.....yes

Stephanie Mercandetti.....yes

The Planning Board voted five in favor, zero opposed, and zero in abstention to grant an approval with conditions a Special Permit for Use, Multi-family residential (Section II.B) for the Mill Creek Residential Trust application for the construction of a 270-unit multi-family residential building with off-street parking, landscaping, stormwater management system, and associated site improvements for the property located at 266 Waverly Street, zoned Central Business (CB) District.

Special Permit for Use – Multi-family Residential (Section II.B.)

Christine Long.....yes

Lewis Colten.....yes

Victor Ortiz.....yes

Thomas Mahoney.....yes

Stephanie Mercandetti.....yes

The Planning Board voted five in favor, zero opposed, and zero in abstention to grant an approval with conditions a Special Permit for Land Disturbance (Section V.F) for the Mill Creek Residential Trust application for the construction of a 270-unit multi-family residential building with off-street parking, landscaping, stormwater management system, and associated site improvements for the property located at 266 Waverly Street, zoned Central Business (CB) District.

Special Permit for Land Disturbance (Section V.F.)

Christine Long.....yes

Lewis Colten.....yes

Victor Ortiz.....yes

Thomas Mahoney.....yes

Stephanie Mercandetti.....yes

The Planning Board voted five in favor, zero opposed, and zero in abstention to grant an approval with conditions for Major Site Plan Review (Section VI.F) related to the Mill Creek Residential Trust application for the construction of a 270-unit multi-family residential building with off-street parking, landscaping, stormwater management system, and associated site improvements for the property located at 266 Waverly Street, zoned Central Business (CB) District.

Section VI.F Major Site Plan Review

Christine Long.....yes

Lewis Colten.....yes

Victor Ortiz.....yes

Thomas Mahoney.....yes

Stephanie Mercandetti.....yes


By: _____
Christine Long, Chair, Framingham Planning Board
Date of Signature: August 4, 2016

EXHIBITS

Not attached unless indicated

The Applicant has filed with the Planning Board various plans and reports required under the requirements of the Framingham Zoning By-Laws and Framingham General By-Laws. During the review process, the Applicant and its professional consultants also submitted revisions to plans in response to requests by the Planning Board and by the various Town Departments that reviewed the Project. All of these plans, reports and correspondence are contained in the Planning Board's files and are hereby incorporated into this Decision by reference.

1. FORM A – Application Cover Letter, Property Address: 266 Waverly Street, stamped with the Town Clerk on June 28, 2016
2. FORM E – Site Plan Review Application, Property Address: 266 Waverly Street, stamped with the Town Clerk on June 28, 2016
3. FORM F- Public Way Access Permit Application, Property Address: 266 Waverly Street, stamped by the Town Clerk on June 28, 2016
4. FORM L – Special Permit Application, Property Address: 266 Waverly Street, stamped by the Town Clerk on June 28, 2016
5. Letter of Delivery: RE: Application for Site Plan Review and Special Permit Approval from the Framingham Planning Board (the “Planning Board”) Regarding Modera Framingham – 266 Waverly Street, Framingham, MA (the “Site”), dated June 23, 2016, stamped with the Town Clerk on June 28, 2016
6. Nitsch Engineering, Special Permit & Site Plan Approval Narrative to accompany an application for Special Permits and Site Plan Approval, for Modera Framingham, prepared for Mill Creek Residential Trust, prepared by Nitsch Engineering, Inc. dated June 21, 2016
7. Letter of response from Mill Creek Residential, dated July 26, 2016
8. Letter of response from Vanasse & Associates, Inc. RE: Modera Framingham, Framingham, Massachusetts, dated August 4, 2016
9. Letter of response from Nitsch Engineering, RE: Nitsch Project #11085, Dept. of Public Works Review, Modera Framingham, Framingham, MA, dated August 4, 2016
10. PowerPoint presentation: Modera Framingham – Special Permit Presentation to the Framingham Planning Board, dated July 14, 2016 – presented to the Planning Board on July 14, 2016 at the Public hearing
11. Site Plans: Modera Framingham, 266 Waverly Street – Framingham, MA 01702, Drawings to accompany an application for special permits and site plan approval, dated June 21, 2016, revised through July 12, 2016

The Planning Board received correspondence various Town Departments who review the project. The aforesaid correspondence is contained in the Planning Board files and is incorporated herein by reference.

1. Special Permit and Site Plan Review Checklist for the Property at 266 Waverly Street, dated June 28, 2016, stamped with the Town Clerk on June 28, 2016

2. Land Disturbance Checklist for Application Submittal for the Property at 266 Waverly Street, dated June 28, 2016, stamped with the Town Clerk on June 28, 2016
3. Public Way Access Permit Checklist for the Property at 266 Waverly Street, dated June 28, 2016, stamped with the Town Clerk on June 28, 2016
4. Correspondence received via ACCELA from the Fire Department, received on July 11, 2016
5. Correspondence received via ACCELA from the Police Department, received on June 29, 2016
6. Letter of comment from the Framingham Bicycle and Pedestrian Advisory Committee, dated July 14, 2016
7. Email of comment from the Board of Health, Subject: RE: 92 Kendall and 266 Waverly Street, dated August 4, 2016
8. Letter of comment from the Department of Community & Economic Development, RE: Departmental Project Review, 266 Waverly Street, dated July 27, 2016
9. Letter of comment from the Department of Public Works, RE: Modera Framingham, 266-300 Waverly Street, Framingham, dated August 3, 2016